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Attorney for Plaintiff,
REGINALD RATLIFF

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

REGINALD RATLIFF, an individual;

Plaintiff,

vs.

TROJAN CAPITAL INVESTMENTS, LLC, a
Wyoming Limited Liability Company; TRINITY
FINANCIAL SERVICES, LLC, a Wyoming
Limited Liability Company; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 4:16-cv-06172-KAW

**JOINT STIPULATION TO ALLOW
PLAINTIFF TO FILE AND SERVE A
THIRD AMENDED COMPLAINT AND
TO REMAND THIS ACTION TO
STATE COURT; [PROPOSED] ORDER
THEREON**

Plaintiff Reginald Ratliff (hereinafter, "Plaintiff"), Defendant Trojan Capital Investments, LLC (hereinafter, "Trojan"), and Defendant Trinity Financial Services, LLC (hereinafter, "Trinity") by and through their undersigned counsel, hereby respectfully submit the following Joint Stipulation and [Proposed] Order to Allow Plaintiff to file and serve the Third Complaint for Damages and Equitable Relief (hereinafter, "Third Amended Complaint") (Doc. No. 11-2 filed 11/10/16), attached hereto as Exhibit A and to remand this action to State Court. Trinity and Trojan are collectively referred to hereinafter as "Defendants." Plaintiff, Trojan, and Trinity are collectively referred to hereinafter as the "Parties."

STIPULATION

WHEREAS, this action was filed originally in the Alameda County Superior Court, Case Number HG15789502 on or around October 14, 2015 (“State Court Action”) alleging causes of action for wrongful foreclosure, negligent misrepresentation and fraud;

WHEREAS, Plaintiff filed a First Amended Complaint in the State Court Action on or around December 23, 2015 alleging causes of action for violations of the Homeowner’s Bill of Rights, Negligence, Negligent Misrepresentation, Fraud, and Unfair Business Practices;

WHEREAS, Plaintiff filed a Second Amended Complaint in the State Court Action on or around October 13, 2016 alleging causes of action for violations of the Homeowner’s Bill of Rights, Negligence, Violation of 12 U.S.C. § 2605, Violation of Cal. Civ. Code § 1788.11, and Violations of the Business Professions Code;

WHEREAS, Defendants removed the State Court Action to this Court on or around October 25, 2016, pursuant to 28 U.S.C. §1331, based on Federal subject matter jurisdiction;

WHEREAS, the Parties met and conferred with respect to the dismissal of the third cause of action for violation of 12 U.S.C. §2605 found in the Second Amended Complaint prior to the filing of Plaintiff’s Motion to Amend, however, the Parties were not able to come to an agreement;

WHEREAS, the Parties now agree to allow Plaintiff to file the attached Third Amended Complaint;

WHEREAS, the Parties agree that it would be appropriate to remand this action to the Alameda County Superior Court; and

NOW THEREFORE, the Parties agree and stipulate as follows:

That the Court permit Plaintiff to file the Third Amended Complaint attached hereto as Exhibit “A;”

That service of the Third Amended Complaint shall be deemed to occur when the Court orders the Complaint filed;

That this matter be remanded to the Alameda County Superior Court; and

That Defendants shall have thirty (30) days in which to file and serve responsive pleadings

1 to the Third Amended Complaint starting from when the U.S. District Court notifies the Parties
2 that and this matter is remanded and transferred back to Alameda County Superior Court..
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5 Respectfully submitted,

6 DATED: December 6, 2016

BURKE, WILLIAMS & SORESENSEN, LLP

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8 By: /s/ Fabio Cabezas

Richard Reynolds

Fabio Cabezas

9 Attorneys for Defendants
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12 DATED: December 6, 2016

MELLEN LAW FIRM

13 By: /s/ Sarah Shapero

14 Matthew Mellen

Sarah Shapero

15 Attorneys for Plaintiff
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17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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19 DATED: 12/8/16



20 Honorable Kandis A. Westmore
21 United States Magistrate Judge
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